

ADAMS, J.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KASSANDRA ROBINSON,)	CASE NO. 5:06CV1792
)	
Plaintiff,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	<u>ORDER</u>
MARC GLASSMAN, INC., etc., et al.,)	[RESOLVING DOC. 113]
)	
Defendants.)	

Plaintiff has filed an application for leave to proceed on appeal without prepayment of fees in the above-entitled case. The application is DENIED. Ms. Robinson should not be allowed to appeal this Court's prior decision *in forma pauperis* because the appeal is not taken in good faith. Fed. R. App. P. 24(a)(2). The Court previously adopted the finding of Magistrate Judge Patricia A. Hemann that the plaintiff does not have valid claims. See Memorandum of Opinion and Order (Doc. 106). The Court hereby adheres to its prior ruling.

It is therefore certified, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal in this matter by Ms. Robinson is not taken in good faith, and she may not proceed on appeal *in forma pauperis*. *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997) (“*In contrast to cases brought by prisoners*, if the district court concludes that the appeal is not taken in good faith, the non-prisoner must pay the entire filing fee and may not proceed on appeal as a pauper.”) (emphasis added). Accordingly,

Plaintiff shall pay the entire \$455 filing fee required by 28 U.S.C. §§ 1913 and 1917 to the Clerk of this Court within thirty (30) days of the date of this order.

By filing a notice of appeal, Ms. Robinson became liable for the full amount of the filing fee, regardless of the subsequent progress of the appeal. If Ms. Robinson fails to comply with the assessment of the appellate filing fee within 30 days of this order, the Clerk of this Court will notify the Sixth Circuit, which may subsequently dismiss the appeal for want of prosecution. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999) (a non-prisoner has the ability to file a pauper motion with the Court of Appeals once pauper status has been denied by the district court). If the appeal is dismissed, it will not be reinstated once the fee is paid. *McGore*, 114 F.3d at 610.

The Clerk of this Court shall immediately notify the parties and the court of appeals of the within ruling. *See* Fed. R. Civ. P. 24(a)(4).

IT IS SO ORDERED.

January 14, 2008
Date

/s/ John R. Adams
John R. Adams
U.S. District Judge